

These minutes were approved at the October 12, 2022 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

**Wednesday August 10, 2022
Town Council Chambers, Durham Town Hall
7:00 pm**

MEMBERS PRESENT: Paul Rasmussen (Chair), Lorne Parnell, Sally Tobias (Council Rep), William McGowan, James Bubar, Richard Kelley, Chuck Hotchkiss (Alternate Council Rep), Barbara Dill (Alternate); Emily Friedrichs (Alternate–remote)

ABSENT: Heather Grant (Vice Chair), Nicholas Germain (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll: Seated Barbara Dill for Heather Grant.

III. Approval of Agenda

Adjustments to the Agenda: Chair Rasmussen said Item 12, Public Hearing for Solar Energy Systems Ordinance, is postponed to September 14, 2022; for Other Business, time permitting, discuss how to handle things differently administratively.

Mr. Bubar MOVED to approve the Agenda as adjusted; SECONDED by Mr. McGowan; APPROVED 7-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt reiterated that the Solar Ordinance is postponed to September 14, 2022 at request of Jim Lawson. Pre-construction meeting held for 32 Madbury Road for new multi-family building; new ATO building site cleared but no construction started; Housing Committee finishing up proposed changes to Zoning Ordinance for future presentation to Planning Board.

Mr. Behrendt reviewed new laws in New Hampshire affecting the Planning Board: one about procedure and the other about houses of worship no longer subject to Zoning for location, which he felt was unfortunate. He said Nick Germain's wife just gave birth to a baby girl.

V. Reports from Board Members who serve on Other Committees

Reporting from the HDC: Mr. McGowan said HDC met last week and looked at comprehensive report of historic building assessment of Wagon Hill Farm and Bickford House; will be a community workshop for benefit of property owners in HDC September 22, 7:00-9:00 pm. UNH looking at Abenaki Trails Project; a Huddleston Hall addition will be coming up.

Reporting from the Conservation Commission: Mr. Bubar said the Commission met Monday specifically to discuss the 19-21 Main Street Project application as well as Solar Energy Systems application; letter sent to Planning Board from Chair.

Reporting from the AG Commission: Chair Rasmussen said the AG Commission met Monday; distributed all posters and pamphlets; Farm Day will run 3 days with 15 major locations open and available to visit with activities, crafts, etc.

Reporting from the Energy Committee: Mx. Friedrichs said the Energy Committee met last week and Chair Jim Lawson will introduce a new format for the first part of the meetings. They'll start with a presentation about sustainability; sample topic ideas include an overview of UNH goals, presentation by a family building a net-zero home, and heat pumps The committee is also actively revising the town website to provide current resources and will make an announcement once the changes are significant enough to merit notice.

VI. Public Comments

William Hall said he lives on Church Hill and said the church painted the fire lane and painted out the designation for Park Lane, which is on the CU Plan, and said Town Staff does not have the authority to change conditional use. He said he was looking forward to the entrance to Red Tower being improved with 19-21 Main Street Project.

VII. Review of Minutes (Old):

VIII. 74 Mill Road – Conditional Use. Conditional use for garage and accessory dwelling unit for single-family house to be located within the Shoreland Protection Overlay District (SPOD). Iago and Erin Hale, property owners. Alex Ross, engineer. Map 109, Lot 85. Residence B District. Recommended action: Schedule site walk and public hearing.

Iago Hale of 74 Mill Road said he is here for an application for CU for a garage and accessory dwelling unit for a single-family house. He said the outbuilding on the property between the driveway and the river will be rebuilt 20 feet further to abide by DES standards, which will be a garage at the end of the driveway with an apartment on top. He said a variance was obtained by the Zoning Board for accessory dwelling; approved by State as in SPOD; Conservation Commission sent their recommendation; talked with Mr. Behrendt about essentials.

Mr. Hale said the existing Site Plan shows current driveway with the outbuilding to the side; page 1 shows where outbuilding will be moved, approximately 20 ft and rotated to serve as garage. He said the entire property is in SPOD on the Oyster River which makes the project CU.

Mr. Kelley said on plan 3 of 4, he saw photos of damage from stormwater, which on this plan would be to existing stone foundation and asked if it would remain and be adjacent to the trench to the left. Mr. Hale said that is correct and said he is intending overall site improvements. He said a lot of stormwater comes off Mill Road into driveway and has gone into the stone

foundation of current structure; will work with the Town for small grade improvements with this project, also replacing old septic system with improved on-site solution system. He said the new system will have a smaller footprint and reduce effluent and infiltration trenches will be added to improve drainage around current structure.

Mr. Bubar asked the deadline of the DES permit. Mr. Hale said it runs to 2026, and said he has the Zoning Variance, DES approval for building in SPOD, and DES approval for septic system as well as Conservation Commission recommendation. Chair Rasmussen asked what was planned for the stone foundation and Mr. Hale said he will be leaving it as half is the old road abutment for Mill Road.

Mr. Kelley said the plans show structure being moved outside the wetland setback and Mr. Hale said it will be farther from the river and has to be outside the 50-ft reference line. Mx. Friedrichs said his understanding is that the Mill Road Town sewer has been extended out a certain distance; Mr. Hale said it is a few houses up from theirs. Mx. Friedrichs said it looks like the new septic is two-part. Mr. Hale said the tank near the ADU is a holding tank with pretreatment and aeration to be pumped to existing system. Mr. Kelley said treatment of sewage is occurring in a tank and field is just a dispersal field for effluent.

Councilor Tobias asked if obtaining a variance for an unattached ADU was an easy process. Mr. Hale said the Zoning Board decided it was reasonable due to the character of the property and hardship of attaching an apartment to existing.

Chair Rasmussen said the goal would be to come back August 24 and asked the Board about a site walk. Mr. Kelley asked if the application had been accepted and Mr. Behrendt said it was not needed for CU.

Chair Rasmussen continued the Public Hearing to August 24, 2022 and scheduled a Site Walk for August 24 at 5:30 pm.

IX. 14 Schoolhouse Lane – 2-lot Subdivision. 2-lot subdivision of 1.3-acre lot with single-family house. Bill Matson, property owner. Bruce Scamman, engineer. John Salter of James Verra Associates, surveyor. Kevin Baum, attorney. Map 108, Lot 73. Residence A District.
Recommended action: Accept as complete and schedule public hearing.

Chair Rasmussen distributed aerial views of the property and subdivision plans.

Bruce Scamman of Emanuel Engineering said he is representing the property at 14 Schoolhouse Lane owned by William Matson as Trustee of William Matson Trust; Mr. and Mrs. Matson are on zoom and Kevin Baum is here in the audience. The property is located on Schoolhouse Lane just before the bend; a fairly large lot with house is located in the NE corner. Lot with dwelling is just over 20,000 sq ft (20,000 sq ft lot minimum) and remaining lot is 37,835 sq ft; both lots frontage on Schoolhouse Lane and are on public water and sewer.

Chair Rasmussen said there are things missing from the plan: the cemetery has setbacks associated with it which are not displayed and given the easement and its location on the property, there should be some notation as to where the buildable portion is located. Mr. Scamman said there is nothing in the deeds that describe it as a cemetery and there are no stones there. Mr. Bubar asked how the lot would be accessed and Mr. Scamman said from Schoolhouse Lane; not a shared driveway or right-of-way but part of Three Chimneys' rear driveway and their ownership of land.

Chair Rasmussen said this is a 2-lot subdivision with both lots having frontage on a public road, meet the minimums, and have water and sewer. He said the Planners Department asked to designate potential location of the sewer cut. Mr. Kelley asked if the size and material of the existing sewer line was known. Mr. Hale said he did not know but it was an older pipe, probably concrete/asbestos. Mr. Parnell asked if the Board had any concerns about buildability of the lot.

Chair Rasmussen asked about a Site Walk and suggested August 24 at 4:30 pm.

Mr. Kelley MOVED to accept the application for 14 Schoolhouse Lane 2-lot subdivision, Map 108, Lot 73, Residence A District and schedule a Public Hearing for August 24, 2022; SECONDED by Mr. McGowan; APPROVED 7-0, Motion carries.

Chair Rasmussen asked that the buildable area be pinned for the Site Walk and show setbacks for cemetery on the plan and the easement. Mr. Kelley asked for a stake on the 2 sewer cleanouts; Mr. Scamman said you can walk to the cleanouts on the site which are above ground. He said he was flagging around the monuments on exterior of property and putting grade stakes all along the north property line.

X. *Public Hearing - 19-21 Main Street – Parking Lot.* site plan and conditional use application for parking lot as principal use on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Monica Keiser and Tim Phoenix, attorneys. Map 108, Lots 10, 11, 12, and 13. Church Hill District. *Recommended action:* Hold hearing and continue deliberations.

Chair Rasmussen said he was recusing himself and passed the gavel to Lorne Parnell to take over this section of the meeting.

Acting Chair Parnell seated Emily Friedrichs for Paul. He said he intended to reopen the Public Hearing, hear everything people have to say, then close the Public Hearing. He said he intended to proceed with a vote on CU criteria but would not take the vote this evening as 2 members who took part in the deliberations for CU are not here and asked the Board's opinion.

Mx. Friedrichs said ze is wary of changing the date to vote because of who is present as it could be viewed as prejudicial. Councilor Tobias said when voting she feels more confident with members that have been present during the whole process and agreed with Acting Chair Parnell.

Mr. Bubar said he agrees with Acting Chair Parnell but anticipates the Public Hearing will take some time and does not want to vote on CU at 9:30 pm; also another applicant is waiting. Mr. Kelley agreed, and Ms. Dill said she agreed with Mr. Bubar.

Mx. Friedrichs said ze felt the Board should discuss the letter sent by the attorneys for the applicant asking for zir recusal. Ze did not think the letter warranted rising to the level of recusal and said it contains many gross misrepresentations and some misstated information. Ze said all the information ze shared originated in the application and ze was keeping an open mind.

Mr. Behrendt said it is up to the Board member with questions of recusal; he told Emily ze could request non-binding comments from Board members at zir option. Acting Chair Parnell said his opinion is that it is up the Board member to decide and is happy to go along with that. All Board members agreed that it was zir decision.

Acting Chair Parnell opened the Public Hearing on 19-21 Main Street at 8:01 pm.

William Hall, abutter, said he spoke earlier about the granite in front of Red Tower and said the whole parking lot has granite right under the surface which will sit level for the lot going down, with no fill brought in to raise the lot. He said he was looking forward to the redevelopment of the entry between 19 and 21 Main Street and asked the Board to look favorably on making the site a parking lot.

Robin Mower of Britton Lane said there are 2 important questions that have not yet been raised: (1) how would the Board define long-term parking and what authority the Town could have to force that time period given the parking is on private property; (2) it is not true that the site as a whole is constrained to only commercial uses; there are a number of other uses permitted by right and a permitted use would not necessarily require accessory parking and may fit better for appropriate growth and development.

Ms. Mower said the Board may not just dismiss our Town Regulations, and said the Board is legally bound to apply any regulations in force for any application under Board review. The Board must not even consider granting a waiver for this project as the very foundation of the Toomerfs' application runs counter to the intent of the land use regulations. She read sections of Site Plan Regulations and said ecological integrity is not served by extensive grading and filling, and removal of trees that provide carbon sequestration, passive cooling, and other eco-services critical to the community.

Ms. Mower read Standards including to protect and preserve Durham's valued resources while accommodating appropriate growth and development and considering the nature, location, design and height of structures and reference to surroundings; she read General Provisions addressing the location and design of site elements to preserve natural resources and maintain natural topography to the extent practicable. She said the Conservation Commission sent a letter to the Planning Board about inconsistencies with the Town Master Plan.

Ms. Mower said if the application does not meet all our Land Use regulations, particularly if the project would not promote appropriate growth and development on this specific site, then the Board must deny the application.

Attorney Tim Phoenix, accompanied by Attorney Monica Kieser, said when the June 8 hearing was held they understood that would be the end and the Board would begin deliberations, but it was opened to written submissions and the Chair is now reopening the Public Hearing. He said that they agree with Mr. Parnell's statement that this should be reviewed by the Board members most involved; and as the Board's Rules of Procedure state: the process is for the applicant to present, abutters present their opposition, and then allow applicant to further rebut.

Attorney Phoenix said the problem is there have been 50 or 60 submissions by opposition since the June 8 meeting and hiring of so-called experts by the opposition to render opinions and point out disparities in our experts; he said they are still investigating that and have not had adequate time to respond and rebut the latest submissions. He requested that this Board set a deadline by which any opposition can be submitted and give adequate time for rebuttal in a fair and equitable fashion.

Attorney Phoenix said a lot of professors have been weighing in with expertise, but nothing has been submitted showing how they have analyzed this project start to finish. He said most boards allow everyone to speak but should be mindful of the weight to give to certain submissions as only a handful of people are affected in a manner different from the general public. He said Attorney Monica Kieser has been more involved with this day to day.

Attorney Monica Kieser acknowledged the expertise of University Professors on environmental issues, on College Brook and on the Oyster River; but what is important is that they have not reviewed this project. She said the project is over 200 ft away from College Brook and it has been verified by Mike Sievert and Town Engineer that this project will detain and infiltrate stormwater onsite, so it does not travel to College Brook, and said there is not really anything the information is adding to the issue.

Acting Chair Parnell said he does not normally respond to Public Comments but explained that the issue with adjourning the public comments and still accepting written comments was done for the first time and will probably not be done again. He said the applicants should assume that the Board has been able to receive and evaluate these comments on their merit and does not necessarily need each report to be rebutted. He said he hoped to give everyone a chance to speak this evening and will then close the Public Hearing. Mr. Behrendt said he understood Attorney Phoenix's position but at some point the hearing is always closed for all parties.

Attorney Phoenix said but the Board did not close the Public Hearing, and your rules & procedures say we get to rebut and have the last word. Mr. Bubar said the Board typically gets submissions of information from everyone on the day the Public Hearing is closed. Attorney Kieser said on June 8 the Board could have ended this in a manner which allowed us to rebut. Councilor Hotchkiss said he was sorry the applicants did not have as much time as they would have liked to

prepare that rebuttal, but the Board has a written copy, their statements this evening, and did not feel there was an issue.

Acting Chair Parnell said we are not at the end of the Public Hearing yet. Mr. Kelley concurred and suggested the applicant be able to close things and respond, then close the Public Hearing as is usually done with the Board not receiving any more mail. Mr. Behrendt said he would be sending emails received up to the meeting as they were submitted in time. Ms. Mower said Rules & Procedures state that after everyone has spoken who wishes to, the applicant may respond to questions and comments of the public.

Joshua Meyrowitz of 7 Chesley Drive said he read the 210 comments submitted, and 200 of them were negative. He reinforced the points made by Robin Mower and Emily Friedrichs about choosing when to vote based on who is present which does give the impression of bias. He said he had never seen a letter questioning Emily's ability to vote fairly, but her knowledge about the Town is incredible as well as her attention to the texts of Site Plan Regulations and Zoning.

Mr. Meyrowitz said this is not a war with each side trying to take over their territory and said none of those in opposition are trying to assault the surroundings of any of the homes of the applicants, the consequences of winning or losing are not equal and we cannot compete with the money and power of the Toomerfs' team. A comment by Mr. Sievert that stormwater will last 50 years is nothing compared to the loss of a forest. We do have Site Plan regulations, Zoning Ordinance, CU criteria, and we have the Planning Board as our protection of enforcing those regulations.

Mr. Sievert said that they are well over 2 years with this project which started with a 2-story parking garage, much larger retaining walls, and has come a long way and been reduced significantly. He said he does not believe the fill here is extensive on this site as it is necessary to fill in the bowl. He said from the engineering side of this the project meets all the requirements with a robust stormwater system for improved runoff and volume reduction compared to the existing site now.

Acting Chair Parnell stated that he would give Attorney Phoenix a chance to rebut, and he would then close the Public Hearing.

Attorney Phoenix said he was disappointed in the way this played out and will be disappointed if the Board does not allow response to the latest submissions. As Mr. Sievert said, go back to our original submission, and see how and why they met the conditions of this ordinance compared to other permitted uses in the zone. He said the Church has many parking spaces (95) they rent out and the back of the lot is 12-14 ft off the ground, sloping at a 2:1 slope and does not have trees, fencing, and very low lighting. He said the focus of opposition on preserving a forest and on extensive fill is unconstitutional and not applicable here.

Attorney Phoenix said the ordinance does not say extensive fill is not permitted or is prohibited; there has been a lot of talk about natural resources and the stone wall which is being protected

to the extent possible while still allowing the applicant to develop their lots, and said the real issue is what could be built here if this project is denied, and this project would be of lower impact.

Attorney Kieser said she felt that much of this process has been people talking at the Planning Board and flooding them with information, and said they have an obligation to do that and advise and protect the interests of our clients. She said she wanted to be mindful that the Board needs an opportunity to reflect and asked that they feel free to ask any questions as this is the last time they can answer.

Mr. Kelley said recently there was some discussion about the wetland setback and proximity of the wall and asked how this would be constructed and with what sort of setbacks. Mr. Sievert said the wall designed there is precast block, or segmented block wall with a footing required: a 6-ft wall on an 18-in wide footing of stone, 6 in in front of the face of the wall, 2 ft beyond the 75-ft wetland setback. Mr. Kelley asked Mr. Sievert to describe the measures that would be taken to establish this limit of work there and on which side the work would be done. Mr. Sievert said it will be done on the uphill side where the fill is going to be; along the 75-ft setback will be a silt fence and they will excavate at the fence and go back taking everything out up hill.

Ms. Dill asked what exactly the wall was doing, and Mr. Sievert said shortening the runout of this fill from the toe of the slope. Mr. Bubar asked what is happening to the trees and root structures adjacent to the trench, and Mr. Sievert said if a root structure is right there it will be cut off. He said the water table is close to grade there with a drain in back of the wall so it drains up and out at the wall corners; the stone is wrapped in fabric because of silt content; and groundwater will go out through a 4-in perforated pipe.

Mx. Friedrichs asked if there were any safety concerns about construction equipment parked on a steep slope and facing downhill doing work. Mr. Sievert said equipment will not be sitting on a steep slope but will be constructing the slope pulling earth back from the cut and looping fabric and fill in, working backwards. He said the process uses erosion control measures, clearing, grabbing, then construction and there will not be any trees where they start.

Councilor Tobias MOVED to close the Public Hearing for 19-21 Main Street; SECONDED by Mr. McGowan; APPROVED 6- 1, Motion carries.

Acting Chair Parnell closed the Public Hearing for 19-21 Main Street at 9:18 pm.

Acting Chair Parnell suggested the Board go back to deliberations at their next meeting, starting with a vote on Conditional Use (CU).

Chair Rasmussen returned to the table and took back the gavel at 9:19 pm.

- XI. ***Public Hearing - 74 Main Street – Mixed-Use Building.*** Site plan and conditional use application for demolition of current wood frame building and construction of a 4-story

mixed-use building with nonresidential uses, 12 residential units, and 5 parking spaces. Doug Clark and Jerry Pucillo of Foundation for Civic Leadership/Democracy House, applicants. Mike Sievert, Horizons Engineering. Zach Smith, Winter-Holben Architects. Map 106, Lot 59. Central Business Zone. Recommended action: Hold hearing and review list of issues.

Timothy Digan of Bergmeyer Architects said he was taking the reins from Zach Smith and had nothing new. Chair Rasmussen corrected a comment from the last meeting and said the height of the building can go as high as 60 ft for CU. He said there are still about 10 items in blue under work and asked for a timeframe for when they would be addressed.

Mr. Pucillo said the most significant ones are a discussion between Mr. Sievert and Mr. Behrendt regarding the shoring on the Pettee Brook side and the Park side with the DPW Director; the rest are questions around the process and could be accomplished fairly quickly. Mx. Friedrichs asked about the waivers for bicycle parking, and said the requirement is to provide reasons for the waiver from the applicant. Mr. Pucillo said they are very open to bicycle parking, and they can be put under the overhang in the back.

Mr. Behrendt said the required number of spaces for bicycles is 1/3 the number of parking spaces required. Mr. Sievert said a waiver for bicycles is not needed. Mr. Bubar asked how many parking spaces are required. Mr. Sievert said he will put them back on the plan; 2 spaces/unit and commercial space. Mr. Bubar asked about handicap parking; Mr. Sievert said they do not need it as there are no parking spaces, but there is still handicap accessibility. Mr. Behrendt said 1 parking space is required for the adjacent property provided by easement and it does not have to be handicap.

Mr. Kelley asked what other waivers were needed. Mr. Behrendt said a waiver on School Impact Fees; applicant will submit a request and Board can determine the number of waivers to be granted; fee is \$1,800/unit. He said a waiver may be needed to have a buffer between parking and the road if the parking is outside. Mx. Friedrichs said a waiver is also needed for electric lines. Mr. Behrendt said only if any new electric lines are above ground; those existing above ground will not need a waiver. Mr. Sievert said new lines will come into existing utility pole then go underground to the transformer then to building for all utility services on this site.

Mr. Kelley asked the date of the latest Site Plan, and Councilor Tobias said 7/26/2022. He said the plan on the screen shows numerous parking spaces. Mr. Sievert said it was just determined a few days ago that they are not going to be able to provide ADA parking, so the option is to have zero parking spaces. Mr. Kelley asked what is being done with the space. Mr. Pucillo said space will be for a drop-off/loading zone. Mr. Kelley said he would like to see something orderly being proposed and designate where that will be.

Mr. Sievert said he would work that out with Mr. Pucillo as well as one parking space designate with signage. He said he would remove the three spaces on the adjacent property. Mr. Behrendt said it would be more helpful to just show existing conditions from subdivision plan. He said he

met with Mr. Sievert, Rich Reine, and Todd Selig and there are a few bigger issues to be worked out with shoring, pipe, and clear restoration plan for work done in Pettee Brook right-of-way.

Mr. Sievert said those are all major issues and there are sewer issues to be resolved. He said he is looking to finalize the shoring and how it will impact the sewer and is looking into relining the sewer instead of reconstruction and coordinating with all the people involved takes time. He said he will try for the second meeting in September but will probably be the first meeting in October. Mr. Bubar said there are also all the waivers.

Chair Rasmussen said the Board is at a point where this can be wrapped up in one meeting, but they need the final plans, DPW signoffs; he said applicant should come back with all waiver applications, discuss them, and get them done. He said he does not need the agenda to get cluttered with a lot of small meetings.

Mr. Behrendt pointed out the items: CU for mixed-use, CU for additional height; stormwater, sewer/water; will need to approve waivers and \$1,500 for every space not provided, but applicant can secure long-term offsite parking and reduce that. He said there will be significant changes on Main Street with park closed and grassed over; applicant will do all this and install granite curbing on Main Street and add two parking spaces; loading zone by bank is excellent; clarify easement on site lot line, detailed information on shoring, restoration plan for Pettee Brook right-of-way.

Mr. Parnell asked about the item regarding tax issues and asked if the Board can get some information on that before voting on this project. Mr. Behrendt said he will do as much as he can but there is a lot to finalize. Mr. Kelley said the applicant also needs to submit the written request for waivers; he said a CU application was filed in November 2021 for the use. Mr. Bubar said technically the Town does not need Planning Board approval to do anything with the park and on Main Street. Mr. Behrendt felt the Board should at least look it over and be aware.

Chair Rasmussen opened the Public Hearing for 74 Main Street at 9:56 pm.

Chris Swiniarski, Attorney for adjacent owners, said the Board has declined to weigh in on the issue of the easement. He said he met on-site with Mr. Behrendt on Monday to determine measurements missing from the plan; he said he would like the Board to require that the final plan show these measurements from the property line to two different levels of the building. He said the plan cannot show parking spaces on the adjacent property nor use them for calculations. Chair Rasmussen said that is agreed and the applicant was asked to change back to existing conditions.

Mr. Kelley asked if the Construction Management Plan for the project is on the website. Mr. Sievert said they have changed all that and have taken the construction plan on an aerial and put on real plans; he said he will have the contractor help to update that. Mr. Pucillo said the most updated Construction Management Plan has been included in Mr. Sievert's plans with a note as

to the restoration of lots to be used for offsite construction. Mr. Sievert said he will add more notes for reclamation and said there are also reclamation notes on the details.

Chair Rasmussen continued the Public Hearing for 74 Main Street to September 28, 2022.

- XII. *Public Hearing – Solar Energy Systems Ordinance.*** Proposed amendment to Zoning Ordinance initiated by Durham Town Council. The draft addresses numerous aspects of solar energy systems including rules and allowed locations for systems that are accessory to single family houses, systems accessory to multifamily and nonresidential uses, small and large utility-scale systems, and group net metering host systems. *Recommended action:* Hold hearing and discuss draft as time permits.

POSTPONED UNTIL SEPTEMBER 14.

XI. Other Business

XII. Review of Minutes (new): July 13, 2022

Mr. Bubar and Ms. Dill said they sent their corrections to Karen; Ms. Dill also had a question about page 5, line 6 but no changes were made.

Mr. Kelley MOVED to approve the minutes of July 13, 2022 as amended; SECONDED by Mr. Parnell; APPROVED 6-0 with one abstention, Motion carries.

XIII. Adjournment

Mr. McGowan MOVED to adjourn the meeting; SECONDED by Councilor Tobias; APPROVED 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 10:09 pm.

Respectfully submitted,
Patricia Denmark, Minute Taker
Durham Planning Board

James Bubar, Secretary